

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE**

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JOHN P. ROGERS

Plaintiff,

v.

Civil Action No.

NCO FINANCIAL SYSTEMS, INC.

Defendant.  
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PLAINTIFF, John P. Rogers (“Plaintiff”), by and through the undersigned attorney, files this Complaint against DEFENDANT, NCO Financial Systems, Inc. (“Defendant”), and alleges as follows:

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant’s violations of the following provisions, resulting from abusive behavior against Plaintiff in the course of Defendant’s attempt to collect a debt:

(1) The Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*  
(hereinafter “FDCPA”).

**II. JURISDICTION**

2. The FDCPA claim arises under 15 U.S.C. § 1692k(d), and therefore involves a “federal question” pursuant to 28 USC § 1331.

### **III. PARTIES**

3. Plaintiff, John P. Rogers (“Plaintiff”), is a natural person residing in Dyer County, Tennessee.
4. Defendant, NCO Financial Systems, Inc., (“Defendant”) is a corporation engaged in the business of collecting debts by use of the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.

### **IV. FACTUAL ALLEGATIONS**

5. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).
6. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).
7. All activities of Defendant set out herein were undertaken in connection with the collection of a “debt,” as defined by 15 USC § 1692a(5).
8. Within the last year, Defendant contacted Plaintiff by telephone in an attempt to collect an alleged outstanding debt. During that telephone conversation, Defendant performed the following acts, which amount to violations under various federal and state laws:

- a) In connection with an attempt to collect an alleged debt from Plaintiff, providing the identity of Defendant to a third party (to wit: Greg Terry) without such information being expressly requested (§ 1692b(1) & § 1692c(b));

b) Disclosing to a third party (to wit: Greg Terry) the existence of the debt allegedly owed by Plaintiff (§ 1692b(2) & § 1692c(b)).

9. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.
10. Defendant intended to cause, by means of the actions detailed above, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.
11. Defendant's action, detailed above, was undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.
12. Defendant's actions, detailed above, constituted an extraordinary transgression of the bounds of socially tolerable conduct
13. To the extent Defendant's actions, detailed above, were carried out by an employee of Defendant, that employee was acting within the scope of his or her employment.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages pursuant to 15 USC 1692k;

- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,
- E. For such other and further relief as may be just and proper.

Dated: May 5, 2010

Respectfully submitted,

John P. Rogers

By: /s/Craig Ehrlich

Craig Ehrlich

Attorney for Plaintiff

Weisberg & Meyers, LLC

1448 Madison Avenue

Memphis, TN 38104

Telephone: (602) 445 9819

Facsimile: (866) 565 1327

Email: [CEhrlich@AttorneysForConsumers.com](mailto:CEhrlich@AttorneysForConsumers.com)

*Please send correspondence to the address below*

Craig Ehrlich

Weisberg & Meyers, LLC

Attorneys for Plaintiff

5025 N. Central Ave. #602

Phoenix, AZ 85012